

REMARKS

Prior to entry of this preliminary amendment, Claims 1-19 are pending in the application. It is gratefully acknowledged that Claims 4-7, 10-14 and 17-19 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In the previous Office Action, the Examiner has rejected Claims 1, 3, 8 and 15 under 35 U.S.C. §102(e) as being anticipated by Parsa et al. (U.S. Patent 6,643,318). In the previous Office Action, the Examiner has rejected Claims 2, 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over Parsa et al.

Please add new Claims 20 and 21. No new matter has been added.

Please cancel Claims 3 and 8-14, without prejudice.

The following comments are provided to assist in distinguishing the pending claims of the present application from the art of record.

Referring to Parsa et al. in col. 5, lines 20-65, a mobile station (MS) selects an access preamble (AP) signature indicating one of the available channels provided from a base station (BS), transmits an AP containing the selected AP signature to the BS and receives an AP-AICH in response to the AP from the BS. The AP-AICH contains the same AP signature that is transmitted by the AP. Upon successfully receiving an AP-AICH, the MS randomly selects a collision detection (CD) signature from a predetermined set of possible CD signatures and transmits a CD preamble containing the selected CD signature to the BS. The MS receives a CD-AICH in response to the CD preamble from the BS. The CD-AICH contains the same CD signature that is transmitted by the CD preamble. Upon successfully receiving the CD-AICH, the MS determines a CPCH by the signature selected by the MS.

It is apparent from the above that in Parsa et al. the BS does not select a new signature, but merely selects one of the CD signatures received from a plurality of MSs, which inherently implies

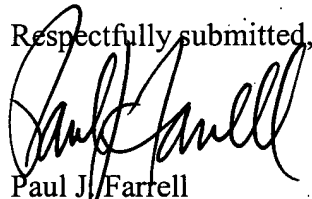
that the BS does not determine a channel to be used in the MS.

In accordance with the claims of the present application, the MS selects an AP signature depending on a maximum data rate provided from the BS and transmits an AP containing the selected AP signature. The BS selects a CPCH from the available CPCHs and determines a channel assignment signature indicating the determined CPCH. The BS transmits the determined channel assignment signature to the MS.

As described above, in the claims of the present application, the BS selects a new signature, and therefore, the BS does not need to transmit the available channel information to the MS.

Independent Claims 1, 15, 20 and 21 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2 and 16, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2 and 16 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1, 2, 4-7, 15-21, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

Paul J. Farrell
Reg. No. 33,494
Attorney for Applicant

DILWORTH & BARRESE
333 Earle Ovington Blvd.
Uniondale, New York 11553
Tel: (516) 228-8484
Fax: (516) 228-8516